

EXHIBIT 3

CAUSE NO. 19-06-07875

IN RE THE CAROLYN S. CLARK	§	IN THE DISTRICT COURT OF
	§	
IRREVOCABLE LIVING TRUST	§	MONTGOMERY COUNTY, TEXAS
	§	
U/T/A JULY 28, 2017	§	457th JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFFS' LAWYERS' MOTION TO DISMISS
DEFENDANTS' COUNTERCLAIMS WITH PREJUDICE UNDER THE TEXAS
CITIZENS' PARTICIPATION ACT**

On the 25 day of ^{October} , 2021, this Court considered the motions filed by Steven C. Earl, James E. Graham, and Stilwell, Earl & Apostolakis, LLP ("Lawyer Movants") Motion to Dismiss Defendants' Newly Pled Counterclaims with Prejudice under the Texas Citizens' Participation Act and the Defendants' Newly Pled Racketeering Counterclaims with Prejudice under the Texas Citizens' Participation Act (collectively the "Motion to Dismiss"), the pleadings, evidence a court could consider under Tex. R. Civ. P. 166a, supporting and opposing affidavits stating the facts on which the liability or defense is based, the oral testimony given in open court during the hearing, and the arguments of counsel.

The Court **FINDS** that the TCPA applies to the Motion to Dismiss because the Defendants' counterclaim seeks to restrict Plaintiffs from exercising their constitutional right to petition and right to exercise free speech.

The Court decides each Motion to Dismiss within 60 days of the filing of said motion.

The Court **FINDS** that the Lawyer Movants demonstrated that the Defendants' counterclaims asserting defamation, negligence and gross negligence, tortious interference, civil claims under the Racketeering Influenced and Corrupt Organizations Act (18 U.S.C. 1962 *et seq.*) are meritless responses to Plaintiff's and the Lawyer Movants exercise of rights described in Texas

Civil Practices and Remedies Code § 27.005(b)(1)-(2).

The Court **RULES** that Defendants failed to establish, by clear and specific evidence, a prima facie case for each essential element of the claim in question.

The Court **RULES** that the Lawyer Movants established the defenses of absolute privilege and immunity.

The Court **RULES** that the Lawyer Movants' Motion to Dismiss is **MERITORIOUS** and **SHALL**, in all things, be **GRANTED**.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that Defendants **TAKE NOTHING** on the Defendants' counterclaims against the Lawyer Movants for defamation, negligence and gross negligence, tortious interference, civil claims under the Racketeering Influenced and Corrupt Organizations Act, which are and shall immediately be **DISMISSED WITH PREJUDICE**;

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that, pursuant to Texas Civil Practices and Remedies Code § 27.009(a) and (c), awarded attorney's fees totaling an amount to be determined at an oral hearing set for oral hearing on October 29, 2022 at 10:30 am. in the 457th Judicial District Court, located at 301 North Main Street, Conroe, Texas 77301.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that, pursuant to Texas Civil Practices and Remedies Code § 27.009(a)(2), an additional amount as sanctions will be considered during the October 29, 2021 10:30 am hearing.

Signed on 10/25/2021 4:57:10 PM



Judge Presiding

ENTRY REQUESTED :

STILWELL, EARL & APOSTOLAKIS, L.L.P.

By /s/Steven C. Earl

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James E. Graham
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Automated Certificate of eService

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